

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRAD RAFFENSPERGER, ET AL.,  
Defendants.**

**Civil Action No. 1:17-CV-2989-AT**

**COALITION PLAINTIFFS' NOTICE OF INVESTIGATION STATUS  
REQUIRING RESOLUTION BY THE COURT**

In the upcoming July 15, 2020 hearing, Coalition Plaintiffs anticipate asking the Court to conduct an *in camera* review of the State Election Board's investigative files and reports concerning the alleged Coffee County EMS server breach, and provide this background information for that potential request.

State Defendants have asserted sweeping claims of investigative privilege for all documents related to the alleged voting system breach in Coffee County. Yet, based on Coalition Plaintiffs' reviews of public records, media reporting, discussions with Coffee County counsel, and State Defendants' conflicting statements, little evidence seems to exist that the State Election Board is conducting a meaningful or any investigation of this gravely serious allegation. An *in camera* review of the investigative files may provide the Court with an accurate picture of the status and anticipated timing of the investigation and resolution for the State Defendants to promptly act to mitigate the grave security risks to the upcoming November mid-terms. Coalition Plaintiffs provide the following summary of the publicly available information concerning the State Election Board's investigation of the alleged breach.

Date	Status	Source <sup>1</sup>
1/7/21	Date of Alleged Coffee County Breach	<a href="https://www.washingtonpost.com/investigations/2022/05/13/coffee-county-misty-hampton-election/">https://www.washingtonpost.com/investigations/2022/05/13/coffee-county-misty-hampton-election/</a>

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<sup>1</sup> All documents available upon request.

5/7/21	Coffee Supervisor reports finding Cyber Ninjas business card at elections computer	Coalition Plaintiffs' Georgia Open Records Request
5/11/21	SOS Investigator Watson assigns Jones to investigate	Coalition Plaintiffs' Georgia Open Records Request
6/8/21	Server reportedly seized/exchanged by SOS without documentation	<u>Coalition Plaintiffs' Georgia Open Records Request</u>
12/14/21	SEB votes to bind over Coffee #20-250 to AG (case does not include server breach)	<u>Doc. 1397-1 p 9</u>
2/24/22	Sterling testifies that alleged Coffee server breach was investigated but he could not recall findings	Doc. 1368-5 Tr: 258:13
3/10/22	SOS designated witness Beaver testifies that he had no knowledge of alleged breach	Doc. 1368-3 Tr: 399:7
4/7/22	SOS represents to Court that first notice of Coffee breach was Sterling depo 2/24/22 (Hall recording); SOS immediately opened investigation.	April 7, 2022 <u>Transcript</u> p. 21
4/29/22	In speech at Carter Center Sterling states that alleged Coffee breach was investigated and did not happen	<u><a href="https://youtu.be/PbB_c_PX8D8">https://youtu.be/PbB_c_PX8D8</a></u> . ++ <u>Timestamp 35:30</u>
5/25/22	Coffee County says they have heard nothing about investigation	Coalition Plaintiffs' Georgia Open Records Request
6/7/22	SOS represents to Court that investigation is "ongoing"	June 7 2022 Hearing Tr: 14: 11
6/10/22	SOS represents to Court that case 20-250 was "reassigned" from AG to SOS and is open. (SEB did not take this action.)	<u>Doc. 1397 at 3</u>
6/16/22	Coffee still has heard nothing about investigation	Per Coalition Plaintiffs' Open Records Request
7/8/22	Coffee counsel represent to Plaintiffs' counsel they have heard nothing about investigation	

Respectfully submitted this 14<sup>th</sup> day of July, 2022.

/s/ Cary Ichter

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**CERTIFICATE OF COMPLIANCE**

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ Cary Ichter  
Cary Ichter

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2022, a copy of the foregoing **COALTION PLAINTIFFS' NOTICE OF INVESTIGATION STATUS REQUIRING RESOLUTION BY THE COURT** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Cary Ichter  
Cary Ichter